

From: Rudy Stefenel
To: Microsoft ATR
Date: 11/18/01 10:07pm
Subject: Microsoft hearing and a fair penility phase.

Hello,

I have been using Microsoft products for over twenty years so I am especially interested in the outcome of the case between the US Justice Department and Microsoft. This is especially interesting because Bill Gates is a prince of a person who donated literally over a billion dollars to education. Also, I know President Bush is partial to big business, and I know that he hopes that this case does not have much impact on Microsoft. I knew from the beginning that this case would be a great test to see how fair the US Justice Department will be with these kind of pressures.

I had a lot of confidence in U.S. District Judge Colleen Kollar-Kotelly when I first heard that she was taking the case. I even wrote to her to tell her that. I lost confidence when she announced part of the government's decision early in the penalty part of the case. She announced that the government would not break up Microsoft. Even if that is part of the outcome, how it could be fair to the Prosecution by giving the Microsoft Lawyers the advantage of knowing that they don't have to worry about this possibility early on in the case?

It is my opinion that the US Justice Department is too afraid to take a fair stand with Microsoft because doing so might hurt the economy. Also I think that the US Justice Department is frightened of Microsoft because Microsoft has enormous financial resources and hires top of the line lawyers. If Bill Gates is not happy with the settlement, he will find a way to drag the case on indefinitely. He already got one Judge fired from this case.

In fact, U.S. District Judge Colleen Kollar-Kotelly is at risk if Microsoft is not happy with the outcome. I read in the news that she owned lots of stock in Microsoft's competitors and that she did not sell all this stock right away when she was handed this case. I read that she sold it a little at a time. She still owned a significant amount of this stock well into the

case. If Bill Gates is infuriated at her judgment, then his lawyers can demand a new hearing because U.S. District Judge Colleen Kollar-Kotelly owned stock in competitors of Microsoft who stand to gain if the Judgment is hard on Microsoft.

I am disappointed in the Bush administration, and the US Justice Department, for not taking a position with U.S. District Judge Colleen Kollar-Kotelly and demanding that she divest herself of all this stock immediately upon taking on this case.

Even though Microsoft's success is important for our economy, it is important that the US Justice Department do not cave into Microsoft. The integrity of the Justice Department and the Bush administration is at stake.

The settlement must address the fact that Microsoft bundles application software programs with Windows and this is unfair to competition. Users are forced to buy Microsoft's application software programs because they are included with Windows. Microsoft will either price these application into the cost of Windows or this becomes as a means of putting Microsoft's competition out of business, deliberate or not. When the competition is gone, Microsoft is free to raise the price of Windows.

It seems that U.S. District Judge Colleen Kollar-Kotelly is not concerned about the bundling aspect of this or she would have stopped or delayed the the sale of Windows XP. More likely, she did not have the courage to stop Windows XP. This worries me terribly.

Also, I am not sure that U.S. District Judge Colleen Kollar-Kotelly will demand that Microsoft give enough details about writing software application programs so that Microsoft's competitors can write full effective programs to run under Windows. Microsoft is likely to have secret ways of linking Microsoft applications like Microsoft Office into Windows. Microsoft software will run better under Windows because Microsoft will keep secrets. Microsoft will probably get around this by saying that giving out this information would be a security risk.

At this point, either U.S. District Judge Colleen

Kollar-Kotelly must grow courage to issue a fair judgment against Microsoft fast or she should be taken off this case. Even if she achieves the guts to do the right thing, it might backfire on her because Microsoft knows that she did not diverse herself of all the stock in Microsoft's competitors right away.

It may be that our only hope of getting a fair judgment against Microsoft is by the determination and courage of the few states who are not happy with the proposed settlement with Microsoft.

Think about this: Microsoft has offered to pay the all the legal expenses to date to the states holding out if they will give in. Making an offer like this should be against the law. It is like bribery. What is U.S. District Judge Colleen Kollar-Kotelly doing about this? Is anyone in the US Justice Department going to do anything about it?

The US Justice Department has already determined that Microsoft is guilty. What is going on now is the penalty phase of the case. We need a US Justice Department with the conviction and guts to give a fair penalty, even if it hurts our economy and even if it brings on a wrath of more legal fighting back from Microsoft.

If U.S. District Judge Colleen Kollar-Kotelly does not have the guts, then we should get someone who does.

Is the only hope for courage a few hold out states now?

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